IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE SEVENTEENTH DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MRS JUSTICE T.MEENA KUMARI

&

THE HON'BLE MR JUSTICE S.ANANDA REDDY

WRIT PETITION NO : 2786 of 2005

Between:

G.Lakshmaiah, son of G.Ankaiah, Junior Chemist, Office of the Chief Chemist, State Agmark Laboratory, Old Market Yard, G.T.Road, Guntur-4, Guntur District, 54 yeasrs, resident of Door No.26-38-143/44/A, 11th lane, A.T. Agraharam, Guntur-4, Guntur District.

PETITIONER

AND

1. The Government of Andhra Pradesh, Principal Secretary to Government, Agriculture & Cooperation(Marketing-III 2), Department, Secretariat, Hyderabad.
2. The Commissioner and Director of Marketing Government of Andhra Pradesh, Burugula Ramakrishna Rao Bhavan, Hyderabad.
3. Chief Chemist, State Agmark Laboratory, Old Market Yard, G.T.Road, Guntur-4, Guntur District.
4. Ch.Babu Prasad, Junior Assistant, Office of the Assistant Director of Marketing, Vijayawada.

RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the

circumstances stated in the Affidavit filed herein the High Court may be pleased to issue Writ order or direction more particular one in the nature of Writ of Mandamus declaring the action of the Andhra Pradesh Administrative Tribunal in rejecting the interim relief in O.A.No.387 of 2005, dt.8-2-2005 is illegal, arbitrary and unjust and consequently set aside the GO Rt.No.1360 dated 16-12-2004 issued by the 1st respondent in respect of the petitioner.

Counsel for the Petitioner: MR.G.RAVI MOHAN

Counsel for the Respondents 1 and 2: GP FOR AGRICULTURE

The Court at the stage of admission made the following:

JUDGMENT: (Per the Honourable Smt. Justice T.Meena Kumari)

The writ petitioner has originally preferred O.A.387 of 2005 before the A.P. Administrative Tribunal challenging the order of the respondents in G.O.Rt.No:1360, dated 16.12.2004 transferring the petitioner to another Zone. Along with the said O.A., he also filed an application seeking interim suspension of the order in G.O.Rt.No:1360, dated 16.12.2004. The Tribunal having considered the rival contentions, rejected the interim relief. Aggrieved by the same, the present writ petition is preferred by the writ petitioner.

Heard the learned counsel on either side.

It is contended by the learned counsel for the petitioner that the Presidential order does not empower to effect zonal transfers. In the instant case, the petitioner who has been working in Zone III, has been transferred to Zone II and therefore, the order in G.O.RT No:1360 is illegal. On the other hand, it is contended by the learned G.P. that the Government has got competence to issue the orders in question.

The question as to whether G.O.Rt.No: 1360 transferring the petitioner from one Zone to another Zone, is against the spirit of the Presidential order and whether the Government has got competence, is a subject matter to be decided in the main O.A. pending before the Tribunal.

Meanwhile, in the facts and circumstances of the case, We feel it appropriate to grant stay of the transfer of the petitioner alone under G.O.R.T.No:1360 directing the Tribunal to dispose of the O.A. within a period of three (3) months from the date of receipt of copy of this order. .

Subject to the above observation, this writ petition is disposed of.

_____

Justice T.Meena Kumari

17th February, 2005

_____

Justice S.Ananda Reddy

Gurc.

Copies to:

1. The Principal Secretary to Government, The Government of Andhra

   Pradesh, Agriculture & Cooperation(Marketing-III 2), Department,

   Secretariat, Hyderabad.

2. The Commissioner and Director of Marketing, Government of Andhra Pradesh, Burugula Ramakrishna Rao Bhavan, Hyderabad.

3. The Registrar, A.P.Administrative Tribunal, Hyderabad.

4. 2 CCs to G.P.for Agriculture, H.C. Buildings, Hyderabad.

HONOURABLE SMT. JUSTICE T.MEENA KUMARI

&

HONOURABLE SRI JUSTICE S.ANANDA REDDY

WRIT PETITION No: 2786 of 2005

(Judgment delivered by Smt. Justice T.Meena Kumari)

17th February, 2005